

1888-025 Chancery Causes: Dixon S. Litton vs. Alexander L. Loyd &  
Lee Co.

Daugherty, Burchett, Keller, Dinkens, Crabtree, Worley, Ferguson,  
Warren, Pennington, Phillips, Morgan

1 Plat

CA-Estate Dispute  
T-Property

To the Hon, H. S. K. Morison Judge of the Circuit  
Court of Lee County Virginia:

Humbly complaining your Orator Dixon S. Litten  
would respectfully represent, that about the day  
of 1858 One Isaac Daugherty departed this life  
intestate in said county of Lee, unmarried and without  
issue, and at his death he was the owner in fee and  
in the possession of a valuable tract of Land lying in  
said county of Lee, and on Station Creek on the north side  
of Wallens Ridge, adjoining the lands of your Orator, A. S.  
Lloyd M. F. Litten & others and it contains about 81 or 82  
acres be the same more or less.

Your Orator further states that while the said Isaac Daugherty  
left no children as his heirs at law, yet he had six brothers  
and sisters, and the descendants of such of them as had  
died who are his heirs at law to wit, Nicholas Daugherty  
Henry Daugherty, Joseph Daugherty, Elizabeth Daugherty  
who intermarried with one Solomon Dinkens, Susan  
Daugherty who intermarried with one Morton Crabtree &  
Rhoda Daugherty who intermarried with James Worley.

Your Orator further states that said Nicholas Daugherty  
many years ago left this county and went to some one of  
the far western States, where he died, intestate leaving  
children his heirs at law, whose names and the number  
thereof is unknown. The said Dinkens and wife likewise  
many years ago moved to the far west, where they both  
died leaving children, but the number, and the names  
thereof are unknown.

Your Orator further states that said Morton Crabtree



and Susan his wife many years ago moved to the western States where they both died, leaving three children their heirs at law, to wit, Joseph Crabtree, Charles R. Crabtree and James Crabtree.

The said Henry Daugherty also died leaving nine children his heirs at law, to wit James Daugherty, Nathaniel C. Daugherty<sup>2</sup>, Henry W. Daugherty<sup>3</sup>, William Daugherty<sup>4</sup>, Mariah Daugherty<sup>5</sup> who married Aches Birchett, Lucy Daugherty<sup>6</sup> who married G. W. Ferguson, Susan Daugherty who married Jerome Warren, & the latter now dead, Barbry J. Daugherty<sup>8</sup> who married Wm. Pennington & Rhoda Daugherty<sup>7</sup> who married Francis M. Phillips.

The said Henry W. Daugherty died intestate, leaving only one child his heir at law to wit Ennit Daugherty.

The said Mariah and Aches Birchett are both dead but they left 7 children their heirs at law to wit, Jasper Birchett, Abigail Birchett, Mary Birchett<sup>3</sup>, James Birchett<sup>4</sup>, George Birchett<sup>5</sup>, Nathaniel C. Birchett<sup>6</sup> & Lucy Birchett<sup>7</sup> now the wife of Keller, all of whom as your Orator is informed are infants under 21 years of age.

Your Orator states that the said real estate of the said Isaiah Daugherty at his death descended to his brothers & sisters, and their descendants before mentioned.

Your Orator now states that he has become the owner of One Sixth of said real estate, by purchase from James Henry and Rhoda his wife as shown by the copy of their deed of conveyance to him herewith filed marked (A.)

Your Orator further states that the said Joseph Crabtree &



Charles R. Crabtree have sold and conveyed their undivided interest in said real estate, to Millard F. Litten your orator's son, & by this purchase he became the owner of  $\frac{2}{3}$  of  $\frac{1}{6}$  thereof.

The said M. F. Litten has also purchased from Mr. Pennington wife and Francis M. Phillips and wife their undivided interest in said real estate which consists of two sixths of one sixth; so that said M. F. Litten is now the owner of  $\frac{8}{9}$  of one sixth part of said real estate.

One A. L. Loyd has purchased from said Joseph Daugherty his undivided interest in said real estate, & by this purchase said Loyd has become the owner of One sixth part thereof.

One Samuel P. Daugherty has purchased from said James Crabtree his one third of One sixth part of said real estate. And he has also purchased from said James Daugherty Nathaniel B. Daugherty, William Daugherty, Emitt Daugherty Susan Warren and G. W. Ferguson wife's interest in said real estate. By this last purchase he has acquired  $\frac{8}{9}$  of one undivided sixth part thereof, so that he is now the owner of One sixth part of said tract of land.

Your Orator now states that he owns one undivided sixth part of said land, that A. L. Loyd, owns a like interest, that said S. P. Daugherty owns a like interest, that M. F. Litten owns  $\frac{8}{9}$  of One sixth, that the said heirs of Mariah Burchett dead, owns  $\frac{1}{9}$  of One sixth part thereof, that the unknown heirs of Nicholas Daugherty dead owns  $\frac{1}{6}$  part thereof, and the heirs of said Dinkens wife, a like  $\frac{1}{6}$  part thereof and these are all the persons now interested in the said tract of land.

Your Orator further states that the unknown heirs of the



said Nicholas Daugherty, the unknown heirs of said Dinkins wife, and the said heirs of Mariah Burchett deceased are all now residents of the state of Virginia;

Your Orator states that he, and the said Millard F. Litten own lands adjoining the tract of land referred to, and the said A. L. Lloyd likewise owns land adjoining that, and your Orator is advised that a court of equity will, in cases where it can do so, without prejudice to the rights of others, so partition lands as to connect them together, and <sup>in</sup> this case your Orator alleges that the same can be so partitioned as to assign to your Orator his interest and that of M. F. Litten adjoining each other, and adjoining their other lands, and to assign ~~to~~ said A. L. Lloyd his one interest adjoining his other lands.

The said S. and P. Daugherty own one sixth part of said tract of land, and this can be laid out to him in convenient form. And while the residue of said tract of land is susceptible of a fair partition, yet your Orator alleges that the interest of the unknown heirs of the said Nicholas Daugherty dead, and that of the heirs of said Dinkins and wife, and the heirs of said Mariah Burchett will be promoted by a sale of their said interest and your Orator is informed that the heirs of said Burchett desire their small interest to be sold.

Your Orator states that said land is so situated, that if said interests are offered for sale, the same will bring a fair and full price and that the interest of the said Burchett heirs is so small that if laid out to its self



will become almost worthless, and the other two interests if laid out, will yield but little in the way of rents

Your Orator is advised that he is entitled in a court of equity to have said lands partitioned according to the rights and interests of the parties, or to have the same partly partitioned as herein indicated & the residue sold and to obtain that end is the object of this bill.

The premises considered your Orator prays that said A. L. Sayd. Samuel P. Daugherty, Millard F. Litten, Jasper Burchett, Abigail Burchett, Mary Burchett, James Burchett, George Burchett, Nathaniel C. Burchett, ——— Keller & Lucy Keller his wife, the unknown heirs at law of Nicholas Daugherty dead the unknown heirs at law of Solomon Dinkens and Elizabeth Dinkens dead be made defendants to this bill and be required to answer the same truly on Oath. That an order of publication be entered posted and published against the said Jasper Burchett, Abigail Burchett, Mary Burchett, James Burchett, George Burchett, Nathaniel C. Burchett Keller & Lucy Keller his wife, The unknown heirs of Nicholas Daugherty dead, the unknown heirs of said Dinkens & wife; And that a guardian ad litem be appointed for the said Burchetts & Keller & wife to defend their interest in this cause, and upon a hearing thereof a decree be entered directing a partition of said lands to be made among the parties according to their rights as herein set out, that your Orator said One Sixth part thereof, and the said M. F. Litten 8/9 of One sixth of said land be laid off in a body together, and adjoining to their other lands. That the said A. L. Sayd One



Sixth part of said land be laid off to him adjoining his  
other lands. That a like One Sixth part be laid off to the  
said S. P. Daugherty. a like  $\frac{1}{6}$  part thereof to the unknown  
heirs of Nicholas Daugherty, dead. a like  $\frac{1}{6}$  part thereof  
to the unknown heirs of Solomon & Elizabeth Drinkins dead  
and One ninth of One Sixth part thereof to the said heirs  
of Mariah Bushett, dead And if deemed advisable that  
these last three interests be sold. And if in anywise  
mistaken in this his Special prayer then your Orator  
prays for all general relief May the commonwealth  
writ of *Shew* issue directed &c.

Henry J. Morgan for Peff



Q 12.20 <sup>Wid</sup> 18.88  
 3 1.50  
 A 15.00 Paid  
 For 3.00  
 Court 32.00

\$65.70  
 Q. 2.11 Paid  
 Co. 6. 4.43 Paid by <sup>by</sup>  
 \$71.24

D. S. Litton 11.87  
 A. L. Lloyd 11.87  
 S. P. Daugherty 11.87  
 M. F. Litton 10.50  
 Mariah Burdett <sup>heirs</sup> 1.33  
 Nicholas Daugherty <sup>heirs</sup> 11.87  
 Din. <sup>heirs</sup> 11.87  
 \$71.24

Dixon S. Litton <sup>Atty</sup>

or Bill for Partition

Alex. L. Lloyd or

1887, July Bill filed Spa. Eids.  
 on home ofts + D. W. asks them  
 order publication  
 against non residents  
 Aug. D. W. asks order  
 Pub. completed &  
 Cause set for hearing  
 1888 Mr. Deerce final

Free paid by <sup>Atty</sup> 11.13  
 J. R. G.



To the Hon, H. S. K. Morgan Judge of the Circuit  
Court of Lee County Virginia;

The Answer of Jasper Buschett, Abigail Buschett  
Mary Buschett, James Buschett, George Buschett, Nathaniel  
B. Buschett and Keller and Lucy Keller his wife, or  
such of them as are infants, who are heirs at law of  
Marshall Buschett decd. by John M. Morgan their  
guardian ad litem, to a bill exhibited in this Honorable  
Court against them and others by D. S. Litten

Respondent says that his said Wards are young  
and of tender years and as such are the peculiar  
wards of Courts of equity and their interest in this  
suit is respectfully committed to your Honors consideration

Respondent says he knows of nothing that he ought  
or could allege in delay, or to defeat the plaintiffs  
right to have the partition prayed for, nor has his  
said Wards or others given him any information on the  
subject

Respondent cannot admit that the interest of  
his said Wards, will be promoted by a sale of their  
interest, nor can he deny that allegation

Respondent has been informed however that his  
said Wards desire their interest to be sold, and  
the proceeds thereof transferred to them in the western  
states where they all reside

Respondent having now answered as fully as deemed  
material prays that his said Wards be hence discharged  
J M Morgan guardian ad litem

Jasper Burchett + al by  
Guardian at return

ad  $\frac{2}{3}$  known

Dixie S. Latham

Filed July Rules 1882.  
J. A. Hyatt & Co



D. S. Littan

vs  
A. L. Lloyd

This cause came on again this day to be heard upon the papers formerly read and the report of John M. Tate, A. L. Wilson, G. S. Lawson & J. H. Graham which has been filed more than ten days before the commencement of Court. And exceptions thereto and was argued by counsel - On consideration of which and for reasons appearing to the Court said exceptions are overruled except, that the plff has leave to carry from the Spring on said A. L. Lloyd's lot a pipe one inch in diameter across said lot by nearest way two feet under ground, well covered up, so much water as it will contain, over to & on to his own land - But said pipe shall be so laid as not to injure growing crops & the ditch containing the same



shall be filled level & smooth  
 and so long as the same con-  
 tinues the jett or shore claim-  
 ing under him shall use the same  
 shall be kept in such order  
 as not to injure the lot of the  
 said Lloyd - And said report  
 is confirmed in all other re-  
 spects and the clerk of this court  
 will transmit as part of  
 this decree <sup>so much of</sup> said report &  
 plat as will show the metes  
 and bounds of each lot &  
 the same shall be by the  
 County Court Clerk recorded  
 in the books kept by him  
 for the records of deeds  
 as the minutes of title  
 under this order. And each  
 party shall <sup>pay</sup> of the costs  
 of this suit in propor-  
 tion of the interest taken  
 & no further action being  
 necessary the causes stricken  
 from the docket -

Entered this  
 April 7<sup>th</sup> 1888  
 J. A. M.

Entered Chcy  
 O.B. page 141-2  
 Hyatt & Co



Dixon S. Lutton

vs

Alfred L. Lloyd & Others

Pleff

} In Chy

Defts

This cause came on this day to be heard on the bill of the pleff, and exhibit therewith taken for confessed by the adult defendants. — — — — —

And the answer of the infant defendants by John M. Morgan their guardian ad litem and was argued by counsel —

On consideration of all which it is adjudged ordered and decreed that partition of the tract of land in the bill menti-  
- and <sup>be made</sup> pursuant to the prayer of the bill And to attain this end John M. Tate, A. J. Wilson, James H. Graham — and George S. Sawson — are appointed commissioners to

Make said partition who are directed in doing so to take into consideration <sup>the buildings & orchard ~~there~~ on said land.</sup> the quantity and quality of said

land, and the conveniences and inconveniences if any in the location of any of the interests hereafter named,

and upon this basis, they will assign the plaintiff One Sixth part thereof, they will assign the debt A. L.

Lloyd a like Sixth part thereof, to S. P. Daugherty a like Sixth part thereof, to M. F. Lutton 8/9 of One Sixth part

thereof, to the heirs of Harish Burchett dead 1/9 of One Sixth part thereof, to the unknown heirs of Nicholas

Daugherty dead, One Sixth part thereof, and to the unknown heirs of Solomon & Elizabeth Dinkens dead a like Sixth

part thereof, and if the same can be done without prejudice to the rights of Others said commissioners

will lay off the pleffs interest and that of M. F. Lutton in a body together, and adjoining their other lands, And



D. S. Little

27 { Dec. 30/

A. L. Lynch and

Centered page 87

C. D. Baskin No. 13

Collyer

Recorded in Deed

Book No 288

Low R. Colburn  
Entered this

H. A. K. M.  
Aug 31<sup>st</sup> 1886.

Copied for Course. 2.50

On the same principal if they can do so they will  
so lay off the interest of said A. L. Sayd as to again his  
other land. And said Commissioners will then  
ascertain and report whether or not it will be to the  
interest of the Prescott heirs, and the unknown heirs  
of Nicholas Daugherty, and Dinkens wife heirs that  
their lands be sold, and they will give their reasons  
for any opinion they may see proper to express on that  
subject, and they will report their action to the court  
and the cause is continued.



Virginia

At a Circuit Court continued and  
held for the Co, at &c, Aug. 31. 1887.

D. S. Litton

Plaintiff

vs.

A. L. Loyd et als

Defts.

3  
J. H. Chey.

+++ In consideration of all which, it is adjudged  
ordered, and decreed, that partition of the  
tract of land in the bill mentioned be  
made pursuant to a prayer of the bill, and  
to attain this pro. M. Tate, A. J. Wilson, & Jas. L. Graham  
and George S. Lawson, are appointed Comrs.  
to make said partition, who are directed in  
doing so, to take into consideration, the  
building and orchard, the quality and quantity  
of said land the conveniences, & inconveniences  
if any, in the location of any of the interests  
hereafter named, and upon that basis, they  
will assign to the Plaintiff one sixth part  
thereof, they will assign the Deft. A. L. Loyd,  
a like sixth part thereof, to S. P. Daugherty,  
a like sixth part thereof, to W. A. Litton  $\frac{1}{9}$   
of one sixth part thereof, to the heirs of Mariah  
Burchett, and  $\frac{1}{9}$  of one sixth part thereof, to  
the unknown heirs of Nicholas Daugherty, <sup>1/9</sup>  
one sixth part thereof, to the unknown heirs  
of Solomon & Elizabeth Dickers dead, a like  
sixth part thereof. And if the same can



Handbook Copies to  
the parties.  
Del. agents

Edward. 143



D. S. Litten

Peoff

no.

A. L. Lloyd. S. P. Daugherty. M. F. Litten, Jasper  
Burchett, Abigail Burchett, Mary Burchett,  
James Burchett, George Burchett, Nathaniel B.  
Burchett. Keller & Lucy Keller his wife

In Chy

The unknown heirs at law of Nicholas Daugherty dead,  
+ The unknown heirs of Solomon Dinkens wife dead - Defts.

I do swear that according to my best information and  
belief the above named Jasper Burchett. Abigail Burchett.  
Mary Burchett. James Burchett George Burchett, N. B.  
Burchett. - Keller & Lucy Keller his wife. The unknown  
heirs at law of Nicholas Daugherty dead & the unknown heirs  
at law of Solomon & Elizabeth Dinkens dead are not  
residents of the state of Virginia so help me god.

Henry J. Morgan



Dixon S. Lutton

vs } Affiant

A. L. Lundy & others

Filed June 11<sup>th</sup> 1884

J. P. Wyett & Co

The object of suit is to obtain a partition of the land in the Bill mentioned among the parties according to their rights; and a sale of apart thereof if deemed advisable.



J. S. Linton  
 vs  
 A. S. Lloyd } et al. In Chancery.

Pursuant to an order issued from the circuit court of Lee county Virginia at its August term, relative to the above styled case, and directed to us, we went upon the land in the order mentioned and proceeded to survey and partition the same as follows

First. To find the Boundary lines of the tract of land to be partitioned, we Began at a rock as shown on the plat at red hand, a corner to M. F. Linton's land. Thence with a line thereof S. 19. E. 186  $\frac{3}{4}$  poles to a small Hickory and two rocks on the top of Wallens ridge. Thence along the top of said ridge N. 73. E. 38 poles to a chestnut oak. N. 80. E. 22 poles to a stake near a path N. 39. E. 29 poles to a rock on top of said ridge a corner of A. S. Lloyd's land where two two black oak saplings is called for in Lloyd's deed. Thence leaving the top of said ridge and with Lloyd's line N. 30. W. 191 <sup>191</sup> poles to a rock near Station Creek. S. 60. W. 20  $\frac{3}{4}$  poles to a water gap S. 80. W. 19 poles to a rock near a large spring, and near the branch thereof. S. 3  $\frac{1}{2}$ . E. 2 poles to a rock. Thence S. 78. W. 13. poles to the Beginning containing Eighty two Acres, and is shown By the accompanying Plat.



Second.

We then partitioned the land as follows  
Lot No. 1. by consent of parties we layed off.  
Bixon S. & M. H. Lattins interest together and  
shown on the Plat- as Lot No. 1. and lined  
red. containing near twenty acres. and bounded  
as follows. to wit: Beginning at a rock near  
Station Creek on the south side Thence S.  $21\frac{1}{2}$  E. 145-  
poles to a stake at the water lane and shown  
on the plat- Marked lane. N. 81. E.  $11\frac{3}{4}$  poles to  
a dogwood. Thence N. 88. E.  $12\frac{1}{2}$  poles to a stake in  
the Spring branch. S.  $21\frac{1}{2}$  E. 3 poles to a stake near  
the head of the Spring so as to give to Lot No. 1.  
one half the Spring and one half its water as  
a watering place for stock. Thence S. 88. W.  $12\frac{1}{2}$   
poles to a stake. S. 81. W.  $11\frac{3}{4}$  poles to a stake. ~~on~~  
~~M. H. Lattins land and thence with his line~~  
S.  $21\frac{1}{2}$  E. 39 poles to a rock on top of Wallemo  
ridge 21 links of a 30 link chain east of a black  
Walnut marked as a corner. Thence S. 73. W. 20  
poles to a small hickory and two rocks on top  
of Wallemo ridge a corner to M. H. Lattins land  
Thence with his line N. 19. W.  $186\frac{3}{4}$  to a rock  
corner of said Lattins land N. 78. E. 13 poles to a  
rock. N.  $3\frac{1}{2}$  W. 2 poles to a rock near the Beginning  
Lot No. 1 contains  $\frac{1}{6}$  and  $\frac{8}{9}$  of  $\frac{1}{6}$  of the whole  
Escote.

Lot No. 2. Shown on the plat tinged blue &  
red mixed. rather torn and consigned to







N. 68. E. 23. fols to a Stake on A. L. Loyd's line  
S. 30. E. 74 fols to a rock on top of Wallins  
ridge S. 39. W. 7 fols to a chestnut tree & highway  
N. 30. W. 71 fols to a Stake, S. 68. W. 16 fols North  
30. W. 7 fols. N. 8. E. 10 fols. N. 34. E. 4. fols N. 27. W. 2  
fols N. 12. W. 3 fols. N. 30. W. 4 fols. N. 80. W. 2 fols  
S. 88. W. 37 fols to a Stake on S. S. & M. F. Littens  
lot and thence with their line N. 21 1/2 W. 44  
fols. to a Stake corner to A. L. Loyd S. S. & M. F. Littens  
lot thence with Loyd's line N. 69. E. 43 3/4 fols to  
the Beginning. This Lot includes a good Spring  
which is assigned to this lot, and lot No. 6.  
Said Sayerbury can fence the head of the Spring  
to prevent stock from interfering with it; but  
is not to fence the branch up below, that is the  
west side of it; lot No. 6. must have free access  
to the water below the Spring and down to S. P.  
Sayerbury's South line.

Lot No. 4. We consign to Burchetts  
heirs. being one ninth of one sixth of the whole  
estate equals about four & one half acres.  
and bounded as follows to wit: also  
shown on the plat No. 4 & tinged blue  
Beginning at C. a Stake on A. L. Loyd's line  
and also corner of A. L. Loyd's water way. lot No. 7.  
S. 69. W. 10 fols to a Stake thence rather a curved  
line so as to give grade for stock road to water  
to a Stake on the east side of a branch so as not



to be over 6 poles from the North line of the said  
water way and to S.P. Daugherty's line and  
with his line up said branch and his half-  
way S. 55. E. 7 poles. S. 80. E. 2 poles. S. 30. E. 4 poles  
S. 12. E. 3 poles. S. 27. E. 2 poles. S. 34. W. 4 poles. S. 8 W. 10 poles  
S. 30. E. 7 poles N. 68. E. 23 poles to a stake on A.L. Boyer's  
line and thence with said line North. 30. W.  
38 1/2 poles to the Beginning. This lot to have  
a right of way to S.P. Daugherty's Spring for  
family use or the use of Humans only. State  
of all kinds excluded right of way only to  
cross fencing.

Lot No 3. We consign to Solomon Gindens  
heirs. being 1/6 part of the whole estate and  
contains near fifty acres <sup>and one half</sup> and shown  
on the <sup>Map</sup> tinged Blue. in two pieces S.S. & M.H.  
Lilions water way running through it: and  
Marked Lot No. 3. Beginning at a stake <sup>at 7</sup> a  
corner of S.P. Daugherty's & S.S. & M.H. Lilions lot  
S. 2 1/2 E. with Lilions line 114 poles to the top  
of the ridge on a rock 21 links of a 30 link  
chain east of a walnut, marked as a corner  
N. 73. E. 18 poles to a chestnut oak N. 80. E. 10 poles  
to a chestnut oak and hickory sprouts near  
some large rocks on top of said ridge thence  
N. 28. W. 113 poles to a rock on S.P. Daugherty's  
lot & line. passing a little east of a small Spring  
said Spring to water this lot and No. 7, thence  
S. 88. W. 16 poles to the Beginning



This lot- has a water way passing through it-  
from lot- No. 1. which is 3 poles wide The  
owners of lot- No. 1. may fence up the way but  
not to prevent the owners of this lot from passing  
through the water way provided they keep up  
their fences that the owners of lot No. 1. may  
erect. Therefore we connect the lot with only  
this privilege of a water way for No. 1.

Lot No. 6. We consign to Nicholas Saugher's  
heirs being  $\frac{1}{6}$  part of the whole Estate and  
containing about Seventeen & one half acres  
Shown on the flat-tinged red and No. 6  
Marked to Nicholas Saugher's heirs, and  
Bounden as follows to wit: Beginning at a rock  
at- 8 on S. P. Saugher's line Thence with a line of  
lot- No. 3. S. 28, E. 113 poles passing a small spring  
to a chestnut-rod & hickory sprouts near same corp  
rocks on top of Wallins ridge, N. 80, E. 12 poles  
to a stake near a path, N. 59, E. 22 poles to a  
chestnut-rod & hickory corner of S. P. Saugher's  
lot: and with his line N. 30 W. 71 poles to a  
stake N. 8, E. 10 poles. N. 34, E. 4 poles N. 27, W. 2 poles N. 12, W. 3  
poles. N. 30, W. 4 poles. N. 80, W. 2 poles. S. P. Saugher's corner  
Thence still with his line S. 88, W. 23 poles to the  
Beginning. The owners of lot No. 6 are to have  
rising water from the spring on lot No. 3. for  
family use, and stock water from the branch  
on lot No. 3. consigned to S. P. Saugher's.



This lot must have free access to the branch below the Spring on lot No. 3. and also free access for using water from the Small Spring under the ridge, which waters lot No. 1, & No. 5.

Lot No. 7. We consign to A. L. Loyce in addition to his first lot No. 2 for a watering way to his other lands containing about 65 poles and shown on the plot north of the Small No. 4 lot, from C. to 9. This area runs and adjoining No. 3, & 4 lots. Bounded as follows Beginning on Loyce's old line near the figure C. S. 69. W. 20. poles to a stake on S. P. Gayhering's line and on the west of a branch thence with said Gayhering's line S. 50. E. about 6 poles to a stake thence running rather with a curved line about  $8\frac{1}{2}$  poles to a stake so as to be just 3 poles from the north line of the water way thence N. 69. E. 10 poles to A. L. Loyce's line and thence with his line N. 30. W. 3 to the Beginning. The owners of lot No. 2 and lot No. 3. to wit A. L. Loyce & S. P. Gayhering we consign to the owners of lot No. 5, & lot No. 6 four feet of the west-side of said lots Nos. 2, & 3. for a passway to be unobstructed also for the same purpose we consign four feet of the east side of lot No. 1. to lots No. 3, 5, & 6 for a passway to be unobstructed said eight feet of land running along the lines of lots No. 1, 2, & 3. are expressly for a pass



and nothing else can. Therefore must be kept unincumbered.

### Recapitulation

Lot No. 1. To S. S. & M. F. Litem	20 Acres.
Lot No. 2. " A. L. Loyd.	7 1/2 "
Lot " 3 " S. P. Sanghvi	15 1/2 "
" " 4 " Burchetts heirs	4 1/2 "
" " 5 " Sinkins heirs	15 1/2 "
" " 6 " Nicholas Sanghvi & heirs.	18 1/2 "
" " 7 " A. L. Loyd water way	1/2 nearly.
Total	82 Acres

All of which is respectfully submitted with the following bill of costs.

Jms. M. Soli 4 Days at \$2.00	\$ 8.00
Geo. H. Graham 3 days at \$2.00	6.00
A. J. Wilson 2 days at \$2.00	4.00
G. S. Lawson 3 " "	\$ 18.00
	6.00
	\$ 24.00

Jms. M. Soli  
Geo. H. Graham } Commissioners  
A. J. Wilson  
G. S. Lawson



In addition to our former report, we now being notified of the fact that an omission ~~was~~ occurred in said report in regard to whether or not it will be to the interest of the Burchetts heirs and the unknown heirs of Nicholas Sayhert's and Sinkens & wife's heirs that their lands be sold &c. We now on the 14<sup>th</sup> day of Feb. 1888 all being together and concurring, do believe under all the circumstances connected with the matter that it <sup>will</sup> be to the best interest of the said Burchetts heirs, the unknown heirs of Nicholas Sayhert's and Sinkens & wife's heirs to have their lands sold. One reason we assign for so reporting is the shares are very small and surrounded by parties we believe will give fair prices for the shares if they are offered for sale, and we are also authorized to report at the instance of A. S. Loyd that S. S. & M. F. Lillum have in addition to what we first assigned or consigned them a more extensive watering way at or near the large Spring Beginning at the corner <sup>marked</sup> by us at the first meeting near M. F. Lillum's rock corner near the mouth of the Spring branch Thence N. 80. E. 2 poles to a Stake Thence a straight line crossing the Spring branch so as to strike the line that divides A. S. Loyd Lot No. 2. and S. S. & M. F. Lillum's lot not twenty yards from the Beginning and Thence back to the Beginning.



Making an angle Base Sixty feet altitude  
 thirty three feet = 990 feet being in addition  
 to what we first consigned them, and at  
 the instance also of A. & L. Soya, a ~~privilege~~  
 is granted to G. S. & M. F. Linton to the large spring  
 for family useing water (State of all kinds  
 excluded) only to carry water so as to not injure any property.

Respectfully Submitted

Jno. M. Tate  
 James H. Graham,  
 A. J. Wilson  
 G. S. Lawson

### Bill of costs

Jno. M. Tate 2.00  
 G. S. Lawson 2.00  
 A. J. Wilson 2.00  
 J. H. Graham 2.00  
\$8.00

Virginia Lee County court clerk's office May 5<sup>th</sup> 1884

The foregoing plat and report of partition  
 of land together with the decrees therewith  
 was this day filed this office and admitted  
 to record.

Teste John R. Gibson Clerk,

$$\frac{1}{9} \text{ of } \frac{1}{8} \text{ of } \frac{23}{7} = \frac{23}{504}$$

$$\frac{1}{54} \text{ of } 827 \text{ is } 15 \frac{1}{3}$$



J. D. Litten & others  
vs.  
A. S. Laya

Commissioners  
Report

---

Filed Dec. 5<sup>th</sup> 1887  
J. A. Hyatt & Co.

Recorded in Deed Book No. 13  
Page 289.  
J. R. G. Clerk

Cumrs fee \$22.00



This contract made and entered  
into between Sairy W. Adams  
and J. B. F. Mills: Witnesseth  
That said Adams agrees to  
to ~~move~~ to the newly ~~at~~ ~~and~~  
farm in Lee Co. & cultivate  
all the corn land he can  
for this year & pay said Mills  
one third of same, on or  
before Nov. 1st 1888. Cultivation  
will be in farming order  
putting in all he can  
in due time & to move  
into a small house on  
the farm whenever the old  
Home Stead is called for.  
& Put in garden &c & Let Mills  
have half of the same <sup>Mills</sup>  
furnishing half of seed or paying  
for it. Said Adams is also to  
keep up fencing Lake corner  
of what was House Barn &  
all the farm generally  
& whatever ~~said~~ Mills furnishes  
him to make a crop on  
said Adams is to pay out of his  
crop in the fall at the market  
price & he is to deliver for seasons



of said House when called  
for by said Mills or his assigns.  
And said Adams does hereby give said  
Mills a lien on his growing crop  
to be paid at said time of  
delivery for all said Adams  
Gt of said Mills, not otherwise  
paid for.

Witness the following signatures  
& seals.

April 13<sup>th</sup> 1888

Laurel Adams (Seal)

J. B. T. Mills (Seal)

Wheat, Ella, F. Wisely.

Mary C. Vermillion

Virginia Lee County Court clerks office June 15<sup>th</sup> 1888  
The foregoing contract between ~~parties~~ Adams  
& J. B. T. Mills was this day filed in this  
office & admitted to record.

Teste John R. Gibson Clerk



Sarty Adams  
contract  
Auris Fund  
See Co. Va.

Recorded in Deed Book

Number 23 Page 258

J. R. Gibson Clerk

Examined July 3/1888

1.25 Paid

Maid to Big Stone  
Gap



D. S. Litten

vs.

A. L. Loyd & al

Plff

De Chy

Def

The Plaintiff and deft M. F. Litten interest in the tract of land sought to be partitioned in this cause having been laid out to them in an orderly manner by the Commissioners who have acted in the cause and have made their report thereon: The said D. S. Litten & M. F. Litten now come and except to the action of said Commissioners in making said partition

- 1 First Because said Commissioners have not by their said partition given them their just and fair proportion of the said land, said land contains about 82 acres and they own one sixth and  $\frac{1}{4}$  of one sixth, and have only been assigned about 19 acres.
- 2 Secondly Because said land is well supplied with water and they have not got by said partition their due, and just proportion of said water & water privileges.
- 3 Thirdly - Because the water privilege which has been given them by said Commissioners, on the side of wallens ridge, is rendered almost worthless by the right which the Dickinsons have been given to cross said ridge & cross the same at will and pleasure, and
- 4 Fourth Because said Commissioners have not in giving the water and bounds of the lot assigned them or others, on the north line or north end of said farm, commenced or bounded them in Esau's Daughters north line near the back



For these and other reasons to be assigned  
at bar Your exceptors pray that said partition  
be quashed, and new commissioners appointed  
to make said partition

D. S. Lutton

M. F. Lutton

I do solemnly swear that I verily believe that  
the grounds on which the foregoing exceptions are  
based, are well founded, and ought to be sustained  
so help me god.

D. S. Lutton

Sworn to and subscribed.

Before me by D. S. Lutton

Henry J. Morganbauer  
April 3rd 1888.

5. Because lot no 7. or The A. L. Loyd  
share is laid off and assigned to him  
entirely in the bottom, the most valuable  
land on the farm and on which is sit-  
uated a very large spring, and this  
spring is given entirely to said Loyd  
to the great damage of the exceptors.  
These exceptors claim that they should  
have free, absolute and unqualified  
right of way to this spring and ground  
enough for ingress, egress and regress  
without being required to go over other  
men's land and without improper  
restrictions.

D. S. & M. F. Lutton

so 3/4 Exceptions

A. L. Loyd & others,



Virginia

In the Clerk's Office of the  
Circuit Court for Lee County  
on Monday the 13<sup>th</sup> June 1887.

Dixon & Litter

Deft.

vs

A. L. Lloyd & others

Defts

In Chancery

The object of this suit is to obtain  
a partition of the land in the Bill  
mentioned, belonging to Isaiah Daugherty  
at the time of his death, among  
those entitled thereto, and a sale  
of a part thereof if deemed advis-  
able. - And it appearing from an  
affidavit filed in this cause that  
the defendants Jasper Burchett, Abigail  
Burchett, Mary Burchett, James Burchett,  
George Burchett, N. C. Burchett, and —  
Keller & Lucy, Keller his wife, The unknown  
heirs at law of Nicholas Daugherty deceased  
and the unknown heirs at law of Solomon  
and Elizabeth Dinkens deceased, are now  
residents of this State. - It is therefore  
ordered that they appear here within  
one month after due publication of this  
order and do what may be necessary  
to protect their interest in this suit.

A Copy

H. J. Morgan P. Q.

Lester J. A. Hyatt c. c.



Dixons S. Litton  
vs <sup>3</sup>/<sub>4</sub> Order Sub.  
A. L. Loyd et al

I certify that  
I delivered to the  
Virginia Herald  
an office copy of  
this order for  
Publication and  
posted a like  
copy at the front  
door of Lee Ct.  
at the June Term  
1887 of the County  
Court,

J. A. Hyatt



Jonesville Va Aug 22/87,  
I Jaff Duff Publisher of the  
Virginia Herald, a weekly news  
paper, published in Jonesville  
Lee County Va do certify that  
the annexed Chancery order  
appeared four successive  
weeks in said paper end  
ing July 15th 1887.  
Jaff Duff  
Publication Fee \$5.00

VIRGINIA: In the clerk's office of the  
circuit court for Lee county, on Monday  
the 13th, June 1887.

Dixon S. Litton Plff. }  
vs. } In Chy.  
A. L. Loyd & Others Dfts. }

The object of this suit is to obtain a  
partition of the land in the bill mention-  
ed, belonging to Isaiah Daugherty at the  
time of his death among those entitled  
thereto, and a sale of apart thereof if  
deemed advisable. And it appearing from  
an affidavit filed in this cause that the  
defendants Jasper Burchett, Abigail Bur-  
chett, Mary Burchett, James Burchett,  
George Burchett, N. C. Burchett, and—  
Keller and Lucy Keller his wife. The  
unknown heirs at law of Nicholas Daugh-  
erty deceased and the unknown heirs at  
law of Solomon and Elizabeth Dinkens  
deceased, are non-residence of this State.  
It is therefore ordered that they appear  
here within one month after due publi-  
cation of this order and do what may be  
necessary to protect their interest in this  
suit. A copy Test.

J. A. G. HYATT, C. C.  
H. J. Morgan, p. q.



D. S. Lillies  
V. S. <sup>3<sup>rd</sup> Pub</sup> Certificate  
A. L. Lloyd & others

          
Order of Publication  
        

Pub fee \$500  
        

H. J. M. P. Q.



1000

# The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY Greeting:

WE COMMAND YOU to summon

*A. L. Loyd, Samuel P. Daugherty,  
Millard F. Litton, Jasper Burchett, Abigail Burchett, Mary  
Burchett, James Burchett, George Burchett, Nathaniel C.  
Burchett, John Keller & Lucy Keller, The unknown heirs at law of  
Nicholas Daugherty and the unknown heirs at law  
of Solomon and Elizabeth Dickens*

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House  
on the first Monday in *July* next, being Rule Day, to answer a  
Bill in Chancery exhibited in our Court against *them*, by *Dixon*

*S. Litton*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said  
Court, at the Court House, this *11th* day of *June* 188*7* in  
the 1*1* year of the Commonwealth.

*J. A. G. Hyatt* Clerk.

A Copy Teste:



(O. J. M.)

Dixon S. Litton

no 3 Spain Chey

Thos. L. Loyd et al

So July Rules 1887

Executed by deliver-  
ing office Copies of  
this Spa to M. F.  
Litton, A. Lloyd  
& S. D. Daugherty  
June 29 1887

R. D. Flanagan  
S. L. L.